

AN ORDINANCE 2006-06-15-0729

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY
OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED
DEVELOPMENT CODE, SECTION 35-304, OF THE CITY
CODE OF SAN ANTONIO, TEXAS BY CHANGING THE
ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.**

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 13.22 acres out of NCB 10568 from "I-2" Heavy Industrial District to "MF-33" Multi-Family District.

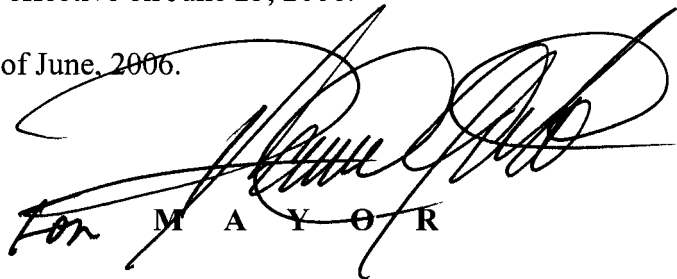
SECTION 2. A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 3. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 4. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 5. This Ordinance shall become effective on June 25, 2006.

PASSED AND APPROVED this 15th day of June, 2006.


For M A Y O R

ATTEST:


City Clerk

APPROVED AS TO FORM:


For City Attorney



FIELD NOTES

FOR

A 13.22 acre, or 575,809 square foot more or less, tract of land being out of the remaining portion of a 90.97 acre tract recorded and conveyed to Jack B. White and Karen M. White in Volume 2121, Pages 267-269 of the Deed Records of Bexar County, Texas, all in New City Block (N.C.B.) 10568 of the City of San Antonio, Bexar County, Texas. Said 13.22 acre tract being more fully described as follows, bearings being based on the North American Datum of 1983, (CORS 1996), from Texas Coordinate System established for the South Central Zone:

BEGINNING: At a found $\frac{1}{2}$ " iron rod with a cap marked "MBC" on the south right-of-way line of Binz-Engleman Road, a 106-foot right-of-way, recorded in Volume 9561, Page 65 of the Deed and Plat Records of Bexar County, Texas, the northeast corner of Lot 6, Block 1 of the Binz-Engleman Villas Subdivision, recorded in Volume 9561, Page 65 of the Deed and Plat Records of Bexar County, Texas, the northwest corner of the remaining portion of said 90.97 acre tract;

THENCE: N 83°49'39"E, along and with the south right-of-way line of said Binz-Engleman Road, the north line of the remaining portion of said 90.97 acre tract, a distance of 383.06 feet to a found $\frac{1}{2}$ " iron rod with a cap marked "MBC";

THENCE: S 39°50'35"E, departing the south right-of-way line of said Binz-Engleman Road, along and with northeast line of the remaining portion of said 90.97 acre tract, the southwest line of Lot 5, Block 1 of the Averitt Express Subdivision, recorded in Volume 9547, Page 107 of the Deed and Plat Records of Bexar County, Texas, passing the southwest corner of said Lot 5, the northwest corner of the remaining portion of SAIA Motor Freight Line, recorded in Volume 7904, Pages 1183-1189 of the Official Public Records of Real Property of Bexar County, Texas, at a distance of 939.85, continuing along and with the northeast line of the remaining portion of said 90.97 acre tract, the southwest line of the remaining portion of said SAIA Motor Freight Line, for a total distance of 1614.03 feet to a found $\frac{1}{2}$ " iron rod with a cap marked "MBC" on the northwest right-of-way line of Seguin Road, a variable width right-of-way, recorded in Volume 9547, Page 107 of the Deed and Plat Records of Bexar County, Texas;

THENCE: Departing the northeast line of the remaining portion of said 90.97 acre tract, along and with the northwest line of said Seguin Road, the southeast line of the remaining portion of said 90.97 acre tract, the following calls and distances;

S 42°08'30"W, a distance of 82.27 feet to a found $\frac{1}{2}$ " iron rod with a cap marked "RPLS";

PAPE-DAWSON ENGINEERS, INC.

555 East Ramsey | San Antonio, Texas 78216 | Phone: 210.375.9000 | Fax: 210.375.9010 | info@pape-dawson.com

EXHIBIT A

To Ordinance No. _____

Passed on June 15, 2006

S 37°02'10"W, a distance of 86.43 feet to a found ½" iron rod with a cap marked "RPLS";

S 34°02'10"W, a distance of 102.89 feet to a found ½" iron rod with a cap marked "MBC" on the southwest corner of the remaining portion of said 90.97 acre tract, the southeast corner of a 53.887 acre tract, recorded in Volume 10754, Pages 1377-1383 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: Departing the northwest line of said Seguin Road, along and with the southwest line of the remaining portion of said 90.97 acre tract, the northeast line of said 53.887 acre tract, the following calls and distances;

N 67°39'33"W, a distance of 152.67 feet to a found ½" iron rod with a cap marked "MBC";

N 24°06'23"W, a distance of 14.94 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson";

N63°30'08"W, a distance of 277.94 feet to a found ½" iron rod with a cap marked "MBC";

N31°28'09"W, a distance of 20.58 feet to a found ½" iron rod with a cap marked "MBC" on a west corner of the remaining portion of said 90.97 acre tract, a east corner of said 53.887 acre tract, the southwest corner of said Lot 6;

THENCE: N 50°17'28"E, along and with the southeast line of said Lot 6, a northwest line of the remaining portion of said 90.97 acre tract, a distance of 121.73 feet to a found ½" iron rod with a cap marked "MBC";

THENCE: N 39°51'20"W, along and with the northeast line of said Lot 6, the southwest line of the remaining portion of said 90.97 acre tract, a distance of 1462.00 feet to the POINT OF BEGINNING and containing 13.22 acres in the city of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
JOB NO: 9311-05
DATE: December 7, 2005
REVISED: June 13, 2006
DOC ID: N:\Survey05\5-9400\9311-05\9311-05fn.doc



G. E. Buchanan
12/07/2005

CASE NO: Z2006124

Staff and Zoning Commission Recommendation - City Council

Date: June 15, 2006

Zoning Commission Meeting Date: May 16, 2006

Council District: 2

Ferguson Map: 584 B8/618 B1

Appeal:

Applicant: Owner
Brown, P.C. ARDC Binz Ltd.

Zoning Request: From "I-2" Heavy Industrial District to "MF-33" Multi-Family District
13.22 acres out of NCB 10568

Property Location: 3000 Block of Binz-Engleman Road
Binz-Engleman Road, West of IH 35 and South of Fort Sam Houston

Proposal: To Develop Multi-Family Units

Neighborhood Association: None

Neighborhood Plan: None

TIA Statement: A Traffic Impact Analysis (2006TIA0156) has been submitted and approved.

Staff Recommendation:

Approval

The proposed multi-family complex is an appropriate use for the subject property given its size and location along Binz-Engleman Road in the immediate vicinity of Fort Sam Houston. Residential infill projects, including high density residential uses, are usually encouraged, especially in those areas where there is a need for high density development. There is an existing multi-family development on the property immediately to the west and a drainage easement that provides separation between the subject property and the commercial/industrial uses to the east. Although much of the zoning in the immediate vicinity is industrial, many of the existing uses are residential and commercial in nature.

The subject property is undeveloped and was annexed into the city in September of 1952. A few years later, in 1957, this and most other properties in the immediate vicinity were zoned LL, an industrial zoning district. This district converted to the I-2 district in 1965 and remained I-2 following the 2001 adoption of the Unified Development Code. The LL district did allow multi-family uses and, since the current I-2 zoning was a direct conversion from this original district, multi-family uses would continue to be allowed provided the property owner had filed for preservation rights with the city prior to February of 2005. There is no indication this was done, so a rezone of the property to the appropriate multi-family zoning district is required to develop the property for multi-family uses.

To the west, on property zoned I-2, is a new multi-family apartment complex and further west is a contractor facility, also zoned I-2. Many of the lands further west are undevelopable due to the presence of Salado Creek and the resulting flood plain. To the east are trucking companies that front on Binz-Engleman and to the south, across Sequin Road, are hotel uses that front on I-35. All uses immediately east and south are also zoned I-2. To the north, across Binz-Engleman, is a southern boundary of Fort Sam Houston, zoned MR.

CASE NO: Z2006124

Staff and Zoning Commission Recommendation - City Council

Should the requested MF-33 zoning be approved, a Type "F" landscape buffer will be required along the east and possibly the west property lines. This type of buffer generally requires the construction of fences, walls or berms along with vegetation. However, given the multi-family use to the west and the drainage easement to the east, a full installation of the buffer may not be required.

Zoning Commission Recommendation:

Approval

CASE MANAGER : Matthew Taylor 207-5876

VOTE

FOR	11
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z20060124

ZONING CASE NO. Z2006124 – May 16, 2006

Applicant: Brown, P. C.

Zoning Request: "I-2" Heavy Industrial District to "MF-33" Multi Family District.

Patrick Christensen, 112 E. Pecan, representing the owner, stated they are proposing to develop an apartment complex on the subject property. He stated this request is a down zoning.

OPPOSE

David Parish, 146 Rose Blossom, representing the property immediately to the east, stated they are a trucking company and are a 24, 7 operation. He is concerned with the development being built so close to an industrial use. He stated there is noise and light pollution, which would pose a threat to the residents in this proposed apartment complex.

REBUTTAL

Patrick Christensen, 112 E. Pecan, representing the owner, stated to address his concerns, there is already existing apartment units immediately to the west of this site. He stated this development would have a positive impact on the community.

Staff stated there were 16 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Marshall and seconded by Commissioner Martinez to recommend approval.

1. Property is located on 13.22 acres out of NCB 10568 at 3000 Block of Binz-Engleman Road.
2. There were 16 notices mailed, 0 returned in opposition and 1 in favor.
3. Staff recommends approval.

AYES: Avila, Robbins, Rodriguez, Westheimer, Gadberry, Marshall, Sherrill, Wright, Martinez, Stribling, Gray

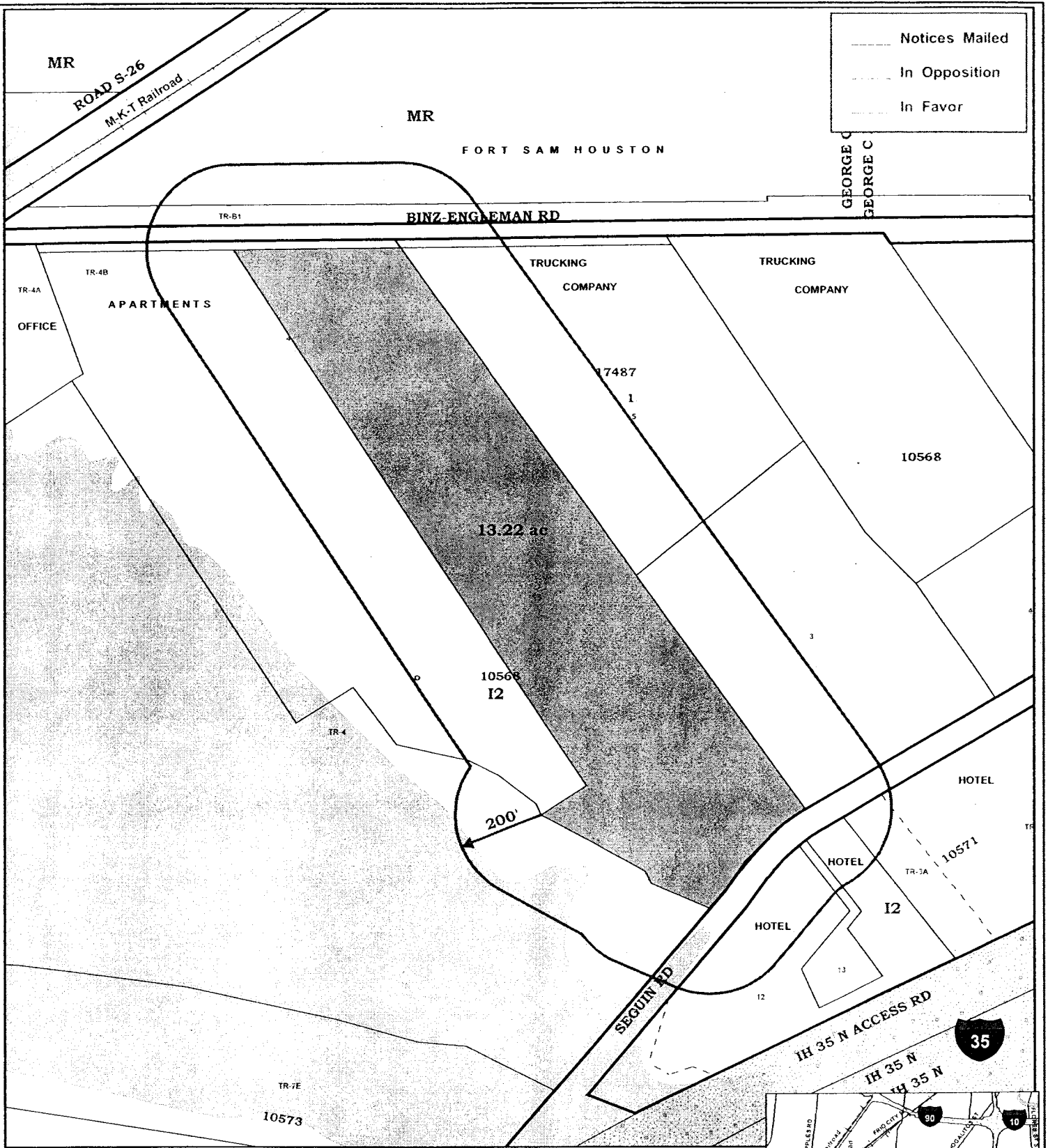
NAYS: None

THE MOTION CARRIED

Z2006124

RESULTS OF NOTICE FOR COUNCIL HEARING

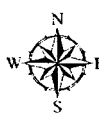
To be provided at Council hearing.



ZONING CASE: Z2006-124

City Council District No. 2
 Requested Zoning Change
 From "I-2"
 To "MF-33"
 Date: June 15, 2006
 Scale: 1" = 300'

■ Subject Property
 ○ 200' Notification



C:\June 6 2006

